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PAGE 01

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Attorney Dkt. No. 51275/152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:**Theoharis C. Theoharides****Filing date: 3/30/2004****Serial No.: 10/811,859****Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004****For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter****Group Art Unit: 1654****Examiner: Patricia A. Leith****RESPONSE TO RESTRICTION REQUIREMENT AND CORRECTION OF FILING
RECEIPT****Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450****Sir:**

The Restriction Requirement dated 05/04/2005 is inappropriate. It involves alleged claims 1-39. However, the Examiner appears not to have noticed that, concurrently with the CIP/DIV application filed 03/30/2004, there was also filed a Preliminary Amendment that (a) canceled claims 1-39, (b) amended the title, and (c) added new claims 40-48. A copy of this Preliminary Amendment is attached for the Examiner's convenience.

In addition, on 10/26/2004 and again on 11/17/2004 the applicant requested correction of the Filing Receipt to show the captioned correct title of the application. We have yet to receive a corrected Filing Receipt.

Respectfully submitted,**Date: 05/05/2005**
**Dr. Melvin Blecher
Attorney-at-Law
Registration No. 33,649****Law Offices of Dr. Melvin Blecher
4329 Van Ness St., NW
Washington, DC 20016-5625
Tel: 202 363 3338
FAX: 202 362 8404
e-mail: MBIplaw@comcast.net**

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Attorney Dkt. No. 51275/152

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: application of:**Theoharis C. Theoharides****Filing date: TBA****Serial No.: TBA****Priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004****For: Olive Kernel Organic Extract Product: Solubility and Absorption Promoter****Group Art Unit: 1614****Examiner: Charisse Evans****PRELIMINARY AMENDMENT****Commissioner for Patents****Box 1450****Alexandria, VA 22313-1450****Mail Stop: DIV/CIP PATENT APPLICATION (1.53(b))****Sir:**

**Prior to examination, please replace the original title with --Olive Kernel
Organic Extract Product: Solubility and Absorption Promoter--**

**Prior to examination, please add after the title: --This application takes its
priority from copending PCT/US02/00476, filed 01/03/2002,
copending USSN 09/771,669, filed 01/30/2001, and USSN 09/056,707, filed
4/8/1998, now USPN 6,689,748, issued 2/10/2004**

**Prior to examination of the attached patent application, please delete
claims 1-39 recited therein, and replace with the following new claims:**

40. An olive kernel organic extract.

41. The extract of claim 40, prepared by a process consisting of the steps of:

(i) harvesting first collection ripe olives

(ii) compressing the oil from the flesh of said ripe olives;

(iii) harvesting the kernels remaining after said compressing;

**(iv) washing said kernels with water to remove debris so as to produce
washed kernels;**

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- (v) drying said washed kernels with a stream of hot air;
- (vi) crushing said dried kernels to produce an extract;
- (vii) extracting the extract from step (vi) with an organic solvent and steam to obtain a crude organic extract;
- (viii) removing particulates from said crude organic extract by centrifugation or microfiltration through a filter to produce a clarified organic extract; and,
- (ix) evaporating said organic solvent and said water from said clarified organic extract by heating, while percolating an inert gas through said organic extract to prevent oxidation of components of said extract.
- (x) storing the product of (ix) in the absence of air.

42. The extract of claim 41, wherein said olives are harvested in December.

43. The extract of claim 41, wherein said organic solvent is hexane, heptane or octane.

44. The extract of claim 41, wherein said microfiltration is done with a 1-2 micron pore size filter.

45. The extract of claim 41, wherein said organic solvent and water are removed in step (ix) at a temperature of 85-100 degrees C.

46. The extract of claim 41, wherein the final organic extract product contains <1% water, <3% acidity as oleic acid, and <1% of organic solvent.

47. The extract of claim 41, wherein the final organic extract product contains polyphenols.

48. A method of increasing the absorption across the intestinal mucosa, oral mucosa, nasal mucosa and skin of a subject of an administered composition of matter that is difficult to absorb, comprising the step of admixing said composition with the olive kernel extract product of any one of claims 40-47 in proportions that permit maximum solubility in the extract product and maximum absorption into the circulation, prior to administration of said composition to said subject.

Remarks

It is the intent of the applicant to limit the claims of this

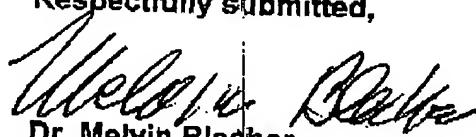
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divisional/continuation in part patent application to claims for the inventive olive kernel organic extract product and its use. All elements of these claims are fully disclosed in the specification. To accentuate this limitation, the title of the application has been changed.

03/30/2004

Law Offices of Dr. Melvin Blecher
4329 Van Ness St., NW
Washington, DC 20016-5625
Tel: 202 363 3338
FAX: 202 362 8404
e-mail: MBiplaw@comcast.net

Respectfully submitted,



Dr. Melvin Blecher
Attorney-at-Law
Registration No. 33,649